

5.8 CONDOMINIUM CONVERSION PROJECTS

5.8.1 Intent

The intent of this Section is to establish guidelines and minimum requirements relating to the conversion of existing structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for large scale developments contained under [Section 5.1](#) of this Code, and also the requirements of the Utah Code Annotated, 1953, as amended.

5.8.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone which underlies the area of the project and shall be subject to all conditions and restrictions required within the zone for the use.

5.8.3 Layout and Improvement

Each proposed condominium conversion project shall conform to the following minimum standards:

A. Residential Conversion Projects

1. Off street Parking. Not less than two (2) off street parking spaces shall be provided for each dwelling unit, and at least one of the required spaces shall be covered. All driveways and off street parking areas shall be hard-surfaced.
2. Common Vehicle Storage Area. In all projects which contain one or more structures having three (3) or more dwelling units per structure, a common storage area in an amount of not less than two hundred (200) square feet per dwelling unit shall be provided for the storage of recreation vehicles, boats and similar items. Common storage areas shall be enclosed in a sight-obscuring fence or wall.
3. Common Open Space. In all projects which contain one or more structures having three (3) or more dwelling units per structure, an area containing not less than ten (10) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. Said area shall be landscaped in accordance with the approved plan. The location and design shall be such that the area is easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses, and the areas required to meet the front setback or the area devoted to peripheral planting shall not be included in meeting this requirement.

B. Commercial and Industrial Conversion Projects

Each project shall conform to the minimum County standards with regard to location, parking, landscaping, access and similar issues which existed at the time the structure was established.

5.8.4 Utility and Facility Requirements

- A. All units shall be separately metered for water, gas, electricity and sewer unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.
- B. Each unit shall be provided with readily accessible individual shut-off valves.
- C. All storage and solid waste receptacles outside of units must be housed in a closed structure compatible with the design of the development.

5.8.5 Approval Procedure

The procedure to be followed shall be the same as set forth in [Section 5.14](#), except that where the conversion project consists entirely of a two-family dwelling located on conforming lots of record, the conversion shall be considered as a twin home project and shall be processed in accordance with the provisions relating thereto.

5.8.6 Required Documents

The following documents shall be prepared and submitted by the developer for each condominium conversion project:

- A. Articles of Incorporation
- B. Corporation By-Laws
- C. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
- D. Management Agreement
- E. Open Space Easement
- F. Title Report
- G. Record of Survey Map
- H. Property Report

Where, in the opinion of the County Commission, a particular document required under this Section is inapplicable for the particular project proposed, the County Commission may waive the requirement for submitting said document.

5.8.7 Special Provisions

- A. Property Report (as required under [Section 5.8.6.H](#) above)

The developer shall submit two copies of a property report describing the condition, useful life and capacity of the roof, foundations, mechanical, electrical, plumbing and structural elements of all existing buildings and structures or uses, and identifying existing or latent deficiencies, proposed repairs and/or renovations. Said report shall be prepared by a structural engineer and/or qualified licensed contractor(s) acceptable to the County. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the building code or zoning ordinance as they currently exist.

- B. Notification of Tenants

Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the County the following:

1. Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who want to move into the property after an application for conversion has been filed with the County shall be notified by the developer of his plans to convert the premises to condominiums, prior to occupancy by such tenant.
2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, providing that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months, or unless the tenant gives prior written notice of his/her intention not to exercise such right.

- C. Unlawful to Record Unapproved Documents

It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land,

structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission and County Commission on the record of survey map and declaration, and recording the same in the Office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.